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10/065,284	09/30/2002	John F. Braun	F-558	5699

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EXAMINER

SCHAFER, JONATHAN C

ART UNIT

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2624

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/065,284	<b>Applicant(s)</b> BRAUN ET AL.	
	<b>Examiner</b> Jonathan C. Schaffer	<b>Art Unit</b> 2624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's response to the last Office Action, filed 03/24/2006, has been entered and made of record.
2. Applicant has amended claims 1, 8, 12 and 17. Claims 1-17 are currently pending.
3. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 17 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. The Applicant states that the composed document has at least one input data field and at least one additional document data field. The input data field is claimed as being pen stroke data. The additional document data field data is claimed as not corresponding to the received pen stroke data. The Applicant further claims that the input data field data is used to determine the additional document data field data thus effectively causing the additional data field data to be associated with the pen stroke data, which is at odds with what was earlier, claimed. Thus for the purposes of examination the Examiner shall interpret the claim to mean the additional document data field data to be form structure.
7. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff et al. (U.S.

Patent Number 6,201,903), in view of McComb et al. (Using WordPerfect® 6.1 for Windows®, ©1994).

**1. A method for composing a document comprising:**

***receiving captured strokes made by a user with a pointing instrument on an input form that include indications of data including document type data, form input data and command data;***

Wolff discloses a method for composing a document, which receives captures strokes made by a user with a digital pen on an input form that includes "fax" commands and a user message. (Col. 2, l. 23-27). Wolff doesn't specifically disclose, "document type data", though templates are disclosed (col. 5, l. 59-60), as are different "form" types e.g. fax, email, etc.. McComb on the other hand discloses what is very well known in the art, the ability to select different "types" or templates of faxes in this case (page 395). It would have been obvious to one of ordinary skill in the art to which the Applicant's claimed invention applies to combine the template selection of McComb with the pen based communication system of Wolff which already infers the use of templates in order to provide the user with a larger array of options when sending a document based communiqué.

***processing the strokes in order to determine destination indication data;***

Wolff further discloses destination information provided by the user (col. 6, l. 29-36)

***processing the strokes in order to determine input data, and composing the document using the document type data to select the form of the document from a selection of at least two form types, and using the input data to populate the document and sending the documents to a destination.***

Wolff further discloses a method, which processes user stroke information to determine input data as well as command data and then sends that information to a destination define by the user (col. 2, l. 23-40). McComb discloses at least 5 different fax types (pg. 395).

**2. The method of claim 1 wherein the pointing instrument is a digital pen and strokes are provided by a user writing on a media having a pattern.**

Wolff's method discloses a digital pen (col. 2, l.14-15) as well as a media having a particularly required layout of command, input, command as well as a boxed pattern indicating where the command will go can be seen in Fig. 7.

**3. The method of claim 2 further comprising:**

***capturing user authentication information related to the user.***

In one embodiment of Wolff's method the initiate command can be a special spatio-temporal gesture adapted or trained to an individual user thus authenticating the user specifically (col. 6, l. 22-24)

**4. The method of claim 3 wherein:**

***the user authentication information includes biometric data.***

Wolff's method of authenticating the user utilizes a spatio-temporal gesture which is specific to the user and then quantified and represented mathematically by the system which is how the Oxford English dictionary defines biometrics (col. 6, l. 22-24)

**5. The method of claim 4 wherein:**

***the biometric data includes pen stroke data including stroke pressure, stroke speed and pen attitude.***

Wolff's method uses stroke pressure (claim 7), stroke speed (claim 10), and pen attitude (claim 16) as defined as the position as related to the line of travel, to acquire the user stroke information thus any data acquired must be biometric and must be one of these three.

**6. The method of claim 2 wherein the command data includes an indication of a send form data command.**

Wolff discloses use of a stop command, which recognizes the end of the document and automatically sends the document (col. 2, l. 29-40)

**7. The method of claim 6 wherein the send form data command is indicated by the user writing a stroke in a segregated field of the media.**

As can be seen in Fig. 7 the user has entered the end command in the boxed area of the document, which is considered to be a segregated field of the media.

**8. The method of claim 2 further comprising:**

***determining a template for the form using the strokes and the pattern, wherein the template determination utilizes the pattern.***

Wolff discloses the use of predefined graphics or patterns in the template identification process (col. 6, l. 16-24)

**9. The method of claim 5, further comprising:**

***determining additionally required data;***

Wolff discloses a method, which determines that it requires specific information such as recipient information, miscellaneous memo data, stop data, and send data (col. 7, l. 29-32 & 39-42)

***and revising the form.***

After each piece of the required information is recorded the form is revised to include the additional information.

**10. The method of claim 9, further comprising:**

***determining additionally required data using the input data;***

Wolff discloses a method, which determines that is requires specific information such as recipient information, miscellaneous memo data, stop data, and send data (col. 7, l. 29-32 & 39-42)

***determining ambiguous additionally required data;***

Wolff's method specifically requires non-specific data such as the memo data and variable data such as the various commands forms (col. 7, l. 42-44)

***and revising the form to include at least two versions of the additionally required data.***

The same form can contain two or more varieties of command information (col. 7, l. 49-50)

***11. The method of claim 10, further comprising:***

***receiving choice data from the user;***

The user has a choice of data to send (col. 8, l. 5-11)

***revising the form in response to the choice data;***

Once the stored message is chosen the document is revised to reflect that choice (col. 8, l. 5-11)

***and sending the revised form using the destination indication data.***

After the stored message is chosen the document is sent using the destination information (col. 8, l. 5-11)

***12. A system for composing a document comprising:***

***a processor;***

Wolff discloses a system with a processor (Claim 11, l. 3)

***a storage device connected to the processor;***

a memory attached to the processor. (Claim 11, l. 7)

***the storage device storing a logic program;***

The logic program that runs the method inherently must be stored on the memory.

***the processor operative with the logic program to perform:***

and the logic program must be able to operate with the processor by reasons of inherency.

***receiving captured strokes made by a user with a pointing instrument on an input form that include indications of data including document type data, form input data and command data;***

Wolff discloses a system, which captures user stroke data comprising input data and command data (col. 2, l. 23-27) using a digital pen (col. 2, l. 14-15) while it is being written on media having a pattern (Fig. 7). Wolff doesn't specifically discloses "document type data", though templates are

disclosed (col. 5, l. 59-60), as are different "form" types e.g. fax, email, etc.. McComb on the other hand discloses what is very well known in the art, the ability to select different "types" or templates of faxes in this case (page 395). It would have been obvious to one of ordinary skill in the art to which the Applicant's claimed invention applies to combine the template selection of McComb with the pen based communication system of Wolff which already infers the use of templates in order to provide the user with a larger array of options when sending a document based communiqué.

***processing the strokes in order to determine destination indication data;***

The system processes the strokes to determine destination information (col. 6, l. 29-36)

***determining a template for the form using the strokes and the pattern;***

The system determines the template for the form using the strokes and the pattern (col. 6, 16-24 & Fig. 7)

***processing the strokes in order to determine input data;***

The system processes the strokes to determine memo input data (col. 2, l. 23-40)

***composing the document using the document type data to select the form of the document from a selection of at least two form types, and using the input data to populate the document;***

The system composes a document using the user stroke data and sending the document to a location (col. 2, l. 23-40). McComb discloses at least 5 different fax types (pg. 395).

***sending the document to a destination;***

The system composes a document using the user stroke data and sending the document to a location (col. 2, l. 23-40)

***processing the strokes in order to determine a recipient designated by the strokes;***

The system processes the user stroke data to determine the destination and recipient (col. 7, l. 15-20)

***capturing user authentication information related to the user;***

The system acquires user authentication information related to the user such a spatio-temporal gesture initiate command specifically trained or adapted to a particular user (col. 6, l. 22-24)

***and wherein the command data includes an indication of a send form input data command.***

The system utilizes the user stroke data to recognize a send form command (col. 6, l. 50)

***13. The system of claim 12 wherein:***

***the user authentication information includes biometric data.***

Wolff's system of authenticating the user utilizes a spatio-temporal gesture which is specific to the user and then quantified and represented mathematically by the system which is how the Oxford English dictionary defines biometrics (col. 6, l. 22-24)

**14. The system of claim 13 wherein:**

***the biometric data includes pen stroke data including stroke pressure, stroke speed and pen attitude.***

Wolff's system uses stroke pressure (claim 7), stroke speed (claim 10), and pen attitude (claim 16) as defined as the position as related to the line of travel, to acquire the user stroke information thus any data acquired must be biometric and must be one of these three.

**15. The system of claim 14 wherein the data includes an indicator of additionally required data, further comprising the processor operative with the logic program to perform:**

***identifying the additionally required data;***

Wolff's system requires an initiate command, which is identified by the system as being required data (col. 6, l. 15-24)

***authenticating the user using the user authentication information;***

In one embodiment the user inputs a spatio-temporal gesture which has been adapted to a specific user (col. 6, l. 22-24)

***and verifying user permission to access the additionally required data.***

By the users knowledge of the biometric authentication information the user's permission is implied.

**16. The system of claim 15, further comprising the processor operative with the logic program to perform:**

***determining additionally required data;***

Wolff discloses a system, which determines that is requires specific information such as recipient information, miscellaneous memo data, stop data, and send data (col. 7, l. 29-32 & 39-42)

***and modifying the form using the additionally required data.***

The same form can contain two or more varieties of command information. (col. 7, l. 49-50)

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff et al. (U.S. Patent Number 6,201,903), in view of Kusunuki et al. (U.S. Patent Number 5,903,667).

**17. A system for sending a composed document having at least one additional document data field comprising:**

***a receiver to receive pen stroke data from a digital pen including form input data for receiving the at least one input data field data;***



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Wolff discloses a system with a receiver, which receives document specific pen stroke data from a digital pen (Claim 11, l. 3)

***a processor to process pen stroke data;***

Wolff's system has a processor, which processes the pen stroke data (Claim 11, l. 3)

***and a processor to determine destination data from the pen stroke data; and***

The processor determines the destination information from the user stroke data transmitted to it (Claim 13, l. 8-11)

***a file server connected to the processor, wherein the processor determines additionally required additional document data field data and composes the document using the input data and additionally required additional document data field data, wherein the additional document data field data does not correspond to the received pen stroke data, and the processor uses the destination data to send the composed document and uses the at least one input data field data to determine the at least one additional document data field data.***

The system has a memory, which is connected to the processor, which determines all data needed to compose and send the document (Claim 11 & 13). Wolff does not specifically state that there is at least one additional data field data. Kuzunuki discloses additional document data field data as can be seen in figure 40 in the form of the different data fields such as Contents, Comment, etc.. It would have been obvious to one of ordinary skill in the art to which the Applicant's claimed invention pertains to combine the data fields of Kuzunuki into the document communicating system of Wolff in order to enhance the readability of Wolff's communiqués.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan C. Schaffer whose telephone number is (571)272-0603. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571)272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS



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